

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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Court Minutes

December 14, 2009, Continued

- C060625 THE PEOPLE v. (Not For Publication)**
SEAN DION HAGEMAN
The judgment is affirmed.
HULL, Acting P.J.
We Concur: Robie, P.J.
Butz, J.
- C058641 AMERICAN STATES INSURANCE (Certified For Partial Publication)**
COMPANY v. PROGRESSIVE
CASUALTY INSURANCE COMPANY;
WILSHIRE INSURANCE COMPANY
The judgments in favor of Progressive and Wilshire are reversed to the extent they conclude that Progressive and Wilshire had no duty to defend the Vinci parties in the Bristman Lawsuit under the potential vicarious liability of the peculiar risk doctrine. American is awarded its costs on appeal.
(Cal. Rules of Court, rule 8.278 (a) (1), (2) .)
BUTZ, J.
We Concur: Scotland, P.J.
Sims, J.
- C059421 WILD GOOSE STORAGE, INC. v. (Not For Publication)**
ROSEVILLE LAND DEVELOPMENT
ASSOCIATION
The order granting Wild Goose's motion to amend the judgment nunc pro tunc to correct a clerical error is affirmed. Because we conclude Roseville Land's contentions on appeal were wholly without merit, Wild Goose is awarded its costs on appeal. (See Code Civ. Proc., § 1268.720.)
HULL, J.
We Concur: Nicholson, Acting P.J.
Raye, J.
- C062015 In re A.H. et al; SHASTA COUNTY (Not For Publication)**
DEPARTMENT OF SOCIAL SERVICES v.
S.H.
The juvenile court's findings and orders regarding A.H. are affirmed. The appeal is dismissed as to Ale.H.
SIMS, Acting P.J.
We Concur: Hull, J.
Cantil-Sakauye, J.

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- C058944 MARTIN BROTHERS CONSTRUCTION, INC. (Certified For Publication)
v. THOMPSON PACIFIC CONSTRUCTION,
INC. et al.**
THE COURT:
 It is hereby ordered that the opinion filed herein on December 4, 2009, be
 modified...
 This modification does not effect a change in the judgment.
BY THE COURT:
 SIMS, Acting P.J.
 Raye, J.
 Cantil-Sakauye, J.
- C061131 In re A.T. et al.; SAN JOAQUIN COUNTY HUMAN SERVICES AGENCY v.
A.T.**
BY THE COURT:
 Appellant's petition for rehearing is denied.
 NICHOLSON, Acting P.J.
- C063418 GETTINGS v. ELGARICO**
BY THE COURT:
 Appellant's petition for rehearing is denied.
 SCOTLAND, P.J.

December 15, 2009

At 9:30 a.m., the court met at 621 Capitol Mall, 10th Floor to begin its court calendar session. Present were Scotland, Presiding Justice; Sims, Associate Justice; Hull, Associate Justice; and Haskett, bailiff.

- C059080 YICK v. LARSON**
 Cause called. Mark G. Bonino argued for appellant. Janlynn R. Fleener argued for respondent. Cause submitted.

At 9:55 a.m., the court recessed. At 9:57 a.m., the court reconvened with Scotland, Presiding Justice; Nicholson, Associate Justice; and Raye, Associate Justice.

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The judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Blease, Acting P.J.
Nicholson, J.

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Court Minutes

December 17, 2009, Continued

- C059288 THE PEOPLE v. (Certified For Publication)**
JASPER DWIGHT BRANNER
The judgment is affirmed.
SCOTLAND, P.J.
I concur: Nicholson, J.
I respectfully dissent:
I agree with the majority's conclusion that *Gant* must be given retroactive application and therefore applies to the search of defendant's vehicle. However, I disagree with the majority holding that defendant must be denied the benefit of the *exclusionary rule* even if the search of his vehicle was, in fact, unconstitutional under *Gant*.
Robie, J.
- C059533 THE PEOPLE v. (Not For Publication)**
ANTHONY EUGENE DECKER, JR.
The judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Sims, Acting P.J.
Hull, J.
- C059542 THE PEOPLE v. DAVID GRIFFIN (Not For Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Nicholson, J.
Robie, J.
- C059781 THE PEOPLE v. (Not For Publication)**
KURT EUGENE SINDORF
The judgment is affirmed.
HULL, J.
We Concur: Scotland, P.J.
Cantil-Sakauye, J.
- C059793 THE PEOPLE v. (Not For Publication)**
JOHN ELLIS DUPRE, IV
The order awarding defendant 92 days' presentence custody credit in case No. 0344 is reversed. ...
The order awarding defendant 154 days' actual custody credit in case No. 0003 and 261 days' actual custody credit in case No. 0320 is reversed. ...
The judgment is affirmed in all other respects.
Hull, J.
We Concur: Scotland, P.J.
Cantil-Sakauye, J.

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- C060123 THE PEOPLE v. (Not For Publication)**
WARREN GRANARD WATFORD
The judgment is affirmed. The trial court is directed to prepare an amended abstract of decision awarding defendant an additional day of custody credit and forward it to the Department of Corrections and Rehabilitation.
HULL, J.
We Concur: Blease, Acting P.J.
Robie, J.
- C060264 THE PEOPLE v. (Not For Publication)**
JOHNNY CARLOS HERNANDEZ
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Hull, J.
Cantil-Sakauye, J.
- C060383 THE PEOPLE v. (Not For Publication)**
TYREA KINTE HICKS
The judgment is modified to stay imposition of sentence on count two. As modified, the judgment is affirmed. ...
SCOTLAND, P.J.
We Concur: Nicholson, J.
Robie, J.
- C060750 THE PEOPLE v. (Not For Publication)**
RONALD EUGENE WILLIAMS, SR.
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Hull, J.
Cantil-Sakauye, J.
- C060813 THE PEOPLE v. (Not For Publication)**
MICHAEL DEAN BISPO
The judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Blease, Acting P.J.
Butz, J.

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December 17, 2009, Continued

- C061169 THE PEOPLE v. (Not For Publication)**
VADIM ZAKHARCHENKO
The judgment is affirmed.
ROBIE, J.
We Concur: Scotland, P.J.
Blease, J.
- C062126 THE PEOPLE v. (Not For Publication)**
FREDDIE LEE MOORE, JR.
The judgment is affirmed.
HULL, J.
We Concur: Sims, Acting P.J.
Cantil-Sakauye, J.
- C059616 In re BRE. R. et al.; SHASTA COUNTY (Not For Publication)**
DEPARTMENT OF SOCIAL SERVICES v.
MICHAEL R. et al.
The juvenile court's orders are affirmed.
SCOTLAND, P.J.
We Concur: Hull, J.
Robie, J.
- C059959 In re C.C.; SACRAMENTO COUNTY (Not For Publication)**
C060903 DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. J.C.
The orders of the juvenile court are affirmed.
CANTIL-SAKAUYE, J.
We Concur: Blease, Acting P.J.
Robie, J.
- C060573 R.R., a Minor, etc. v. SUPERIOR COURT (Certified For Publication)**
OF SACRAMENTO COUNTY; PEOPLE
OF THE STATE OF CALIFORNIA
Let a peremptory writ of mandate issue commanding the respondent Sacramento County Juvenile Court to enter an order in this case vacating its order of October 16, 2008, denying the application of the Indian Child Welfare Act to this case, and reinstating the September 11, 2008, order of Referee Lindsey ordering notice to the minor's tribe and the procurement of services for a qualified Indian expert. The alternative writ is discharged. The stay issued by this court shall remain in effect pending issuance of the remittitur.
BLEASE, Acting P.J.
We Concur: Raye, J.
Hull, J.

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**C059875 MILLENNIUM ROCK MORTGAGE, INC. (Certified For Publication)
v. T.D. SERVICE COMPANY**

THE COURT:

1. Millennium has filed a petition for rehearing asserting that our decision was based on was based "erroneous factual conclusions." ...

With the above modification, the petition for rehearing is denied.

This modification does not constitute a change in the judgment.

BY THE COURT:

SIMS, Acting P.J.

Hull, J.

Butz, J.

C058026 HOLBERT v. FREMONT INVESTMENT & LOAN

BY THE COURT:

Appellant's petition for rehearing is denied.

BLEASE, Acting P.J.

December 18, 2009

At 9:30 a.m., the court met at 621 Capitol Mall, 10th Floor to begin its court calendar session. Present were Nicholson, Associate Justice; Raye, Associate Justice; Robie, Associate Justice; and Haskett, bailiff.

C060478 THE PEOPLE v. KELLY VAUGHN KIMBLE

Cause called. George L. Schraer argued for appellant. Janine R. Busch, Deputy Attorney General, argued for respondent. Cause submitted.

At 9:51 a.m., the court recessed. At 9:56 a.m., the court reconvened with Scotland, Presiding Justice; Nicholson, Associate Justice; and Robie, Associate Justice.

**C059950 In re K.M.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. A.M. et al.**

Cause called. Jennifer A. Gibson, court appointed counsel, argued for appellant J.B.. Christopher Blake, court appointed counsel, argued for appellant A.M.. Claire van Dam, Deputy County Counsel, argued for respondent. Cause submitted.

At 10:36 a.m., the court recessed. At 10:37 a.m., the court reconvened.

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The trial court is directed to prepare a corrected abstract of judgment reflecting defendant's name as Sandra Michelle Ornellas and to forward a certified copy of the corrected abstract to the Department of Corrections and Rehabilitation. The judgment is affirmed.

RAYE, Acting P.J.
We Concur: Butz, J.
Cantil-Sakauye, J.

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- C061832 THE PEOPLE v. (Not For Publication)**
MAYO MAURICE LAURENT
Defendant's conviction is affirmed.
Probation condition number 3 is modified...
Probation condition number 6 is modified...
Probation condition number 7 is modified...
As so modified, the order of probation is affirmed. The court is directed to amend its records to reflect the modifications and to forward the appropriate documents to defendant and to the probation department.
BLEASE, Acting P.J.
We Concur: Sims, J.
 Butz, J.
- C061868 THE PEOPLE v. (Not For Publication)**
THADDEUS ANTHONY LAVELL SCOTT
The judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Sims, J.
 Nicholson, J.
- C062452 THE PEOPLE v. (Not For Publication)**
SEAN MICHAEL BRYANT
The judgment is affirmed. The trial court is directed to prepare a corrected abstract of judgment and to forward a certified copy to the Department of Corrections and Rehabilitation.
BLEASE, Acting P.J.
We Concur: Sims, J.
 Nicholson, J.
- C058634 In re RAYMOND S.; THE PEOPLE v. (Not For Publication)**
RAYMOND S.
The judgment is affirmed.
NICHOLSON, J.
We Concur: Blease, Acting P.J.
 Cantil-Sakauye, J.
- C061727 In re D.C. et al.; SACRAMENTO COUNTY (Not For Publication)**
DEPARTMENT OF HEALTH AND HUMAN
SERVICES v. B.W.
The judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Sims, Acting P.J.
 Hull, J.

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**C058975 DONLEY v. JEFF DAVI, (Certified For Publication)
as Commissioner, etc.**

THE COURT:

The opinion in the above-entitled matter filed on December 2, 2009, was not certified for publication in the Official Reports. For good cause it now appears that the opinion should be published in the Official Reports and it is so ordered.

BY THE COURT:

BLEASE, Acting P.J.
Butz, J.
Cantil-Sakauye, J.

**C062010 In re K.M.; MODOC COUNTY DEPARTMENT OF SOCIAL SERVICES v. R.M.
BY THE COURT:**

Respondent's motion to dismiss the appeal as moot is granted. The appeal filed on April 30, 2009, is dismissed.

ROBIE, Acting P.J.